



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #FTL-04-027

### **TITLE: A Call for the Elimination of Clauses within Federal and State Grant Agreements with Indian Tribes that Mandate Tribes Comply with Non-Discrimination Statutes which were Not Meant to Apply to Indian Tribes**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Native American tribes and programs therein depend on grant funds received from federal and state granting agencies for their continued viability, and without which, these programs would be eliminated due to budgetary constraints; and

**WHEREAS**, Tribes utilize Indian preference policies within the tribal organization to advance the knowledge and skills of tribal members and counteract decades of discrimination and economic neglect; and

**WHEREAS**, Federally recognized Indian Tribes are exempt from certain federal and state non-discrimination statutes, including those of general applicability; and

**WHEREAS**, Many of the federal and state grant agreements require tribes comply with federal and state non-discrimination statutes including, but not limited to Titles VI, VII and VIII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act; and

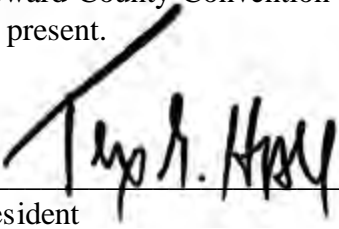
**WHEREAS**, Mandating tribes adhere to federal and state non-discrimination statutes to receive necessary grant funds undermines tribal sovereignty, counteracts tribal Indian preference policies, and contradicts established federal judicial precedence.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby oppose federal and state granting agencies forcing tribes to submit to the jurisdiction of laws that would otherwise not apply to the tribes; and

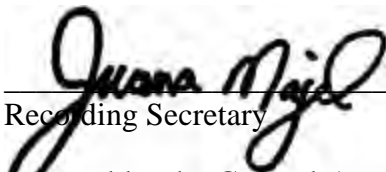
**BE IT FURTHER RESOLVED**, that the NCAI calls on federal and state granting agencies to amend grant agreement verbiage to conform to the unique status of Indian tribes and the laws surrounding that status.

**CERTIFICATION**

The foregoing resolution was adopted at the 61<sup>st</sup> Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.

  
\_\_\_\_\_  
President

**ATTEST:**

  
\_\_\_\_\_  
Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10<sup>th</sup> to the 15<sup>th</sup> at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.